

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN - SOUTHERN DIVISION**

**RACHAEL DENHOLLANDER; JANE
A. DOE by next friend JANE B. DOE;
JANE C. DOE; JANE D. DOE; JANE
E. DOE; JANE F. DOE; JANE G.
DOE; JANE H. DOE; JANE J. DOE;
JANE K. DOE by next friend JANE L.
DOE; JANE M. DOE; JANE N. DOE;
JANE O. DOE; JANE P. DOE by next
friend JANE Q. DOE; JANE R. DOE;
JANE S. DOE by next friend JANE T.
DOE; JANE U. DOE; JANE X. DOE,**

Plaintiffs,

&

JANE L.B. DOE,

**Proposed Intervener-
Plaintiff,**

V

**MICHIGAN STATE UNIVERSITY;
THE BOARD OF TRUSTEES OF
MICHIGAN STATE UNIVERSITY;
LAWRENCE GERARD NASSAR
(individual and official capacity); USA
GYMNASTICS, INC.; TWISTARS USA,
INC. d/b/a GEDDERTS' TWISTARS
GYMNASTICS CLUB USA**

Defendants.

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Case No.: 1:17-cv-00029-GJQ-ESC

Hon. Gordon J. Quist

Motion to Intervene as Plaintiff

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JANE L.B. DOE’S MOTION TO INTERVENE AS PLAINTIFF

NOW COMES Proposed Intervener-Plaintiff Jane L.B. Doe, by and through her attorneys White Law PLLC, and for her Motion to Intervene as Plaintiff states:

1. Jane L.B. Doe respectfully moves for leave of this court to intervene as a plaintiff in the above-entitled action pursuant to Federal Rule of Civil Procedure 24(a)(2), or alternatively pursuant to Federal Rule of Civil Procedure 24(b)(1)(B), to assert a claim involving questions of law and fact common to the main action against the defendants Michigan State University, The Board of Trustees of Michigan State University, Lawrence Gerard Nassar, and Twistars USA, Inc. d/b/a Gedderds’ Twistars Gymnastics Club USA in this action.
2. As stated in greater detail in Jane L.B. Doe’s attached Proposed Complaint, Jane L.B. Doe is also a victim of sexual abuse committed by Defendant Nassar and seeks to maintain causes of action against all of the same named defendants in this action.
3. Jane L.B. Doe’s name has been withheld from this Motion and the Proposed Complaint because Jane L.B. Doe was a minor child at the time that the sexual abuse occurred.
4. If leave to intervene is granted, Jane L.B. Doe will seek an Order of the Court regarding disclosure of her identity and all conditions for disclosure.

5. Federal Rule of Civil Procedure 24(a)(2) grants intervention as of right to anyone who:

claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.
6. Federal Rule of Civil Procedure 24(b)(1)(B) gives the court authority to permit intervention for anyone who “has a claim or defense that shares with the main action a common question of law or fact.”
7. “Rule 24 is broadly construed in favor of potential intervenors.” *Purnell v Akron*, 925 F.2d 941, 950 (6th Cir. 1991).
8. The Sixth Circuit has identified four elements that determine whether a proposed plaintiff has a right to intervention under Rule 24(a): “(1) timeliness of the application to intervene, (2) the applicant's substantial legal interest in the case, (3) impairment of the applicant's ability to protect that interest in the absence of intervention, and (4) inadequate representation of that interest by parties already before the court.” *Michigan State AFL-CIO v. Miller*, 103 F.3d 1240, 1245 (6th Cir. 1997).
9. As the complaint in this case was filed on the 10th of January and no Answer has yet been filed, Jane L.B. Doe’s motion to intervene is timely. *See id.*
10. Because Jane L.B. Doe’s claims are substantially identical to those asserted by the above listed plaintiffs, she has a substantial legal interest in this case. *See id.*
11. The burden for showing “impairment of the applicant’s ability to protect [their substantial legal] interest in the absence of intervention” is “minimal.” *See id.* at 1247. Because of the complexity of the issues present in this case, denial of intervention in this case could impair Jane L.B. Doe’s ability to protect her substantial legal interest.

12. Because Jane L.B. Doe is seeking declaratory, injunctive, equitable, and monetary relief from the same defendants in this matter, Jane L.B. Doe's interest is not adequately represented by the parties already before the court.
13. Even if the Court does not find that Jane L.B. Doe does not have a right to intervention, the court should grant Jane L.B. Doe permissive intervention under Rule 24(b) because her claims are substantially identical to those of the plaintiffs already before the court and she therefore "shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(1)(B).
14. Moreover, the interest of judicial economy and the economies of all parties involved supports granting Jane L.B. Doe's Motion to Intervene in this matter.

For these reasons, Jane L.B. Doe respectfully that this Court grant leave for Jane L.B. Doe to intervene as a Plaintiff in this matter and requests that the Court accept filing of the attached proposed Complaint and Jury Demand and also issue the attached Proposed Summonses.

Respectfully Requested,

Dated: January 30, 2017

/s/ James White

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Dated: January 30, 2017

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Dated: January 30, 2017

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